

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

In re:

**THE FINANCIAL OVERSIGHT AND  
MANAGEMENT BOARD FOR PUERTO RICO,  
3283-LTS**

as representative of

**THE COMMONWEALTH OF PUERTO RICO, et al.,**

**Debtors**

**PROMESA** ~~Title 11~~  
~~RECEIVED AND FILED~~  
**No. 17 BK**  
~~CLERK'S OFFICE USDC PR~~

**(Jointly Administered)** ~~2023 AUG 15 PM 2:38~~

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**OPPOSITION TO THE “FIVE HUNDRED NINETY-SECOND OMNIBUS OBJECTION  
(SUBSTANTIVE) OF THE COMMONWEALTH OF PUERTO RICO AND THE  
EMPLOYEES’ RETIREMENT SYSTEM OF THE GOVERNMENT OF THE  
COMMONWEALTH OF PUERTO RICO TO CLAIMS FOR WHICH THE DEBTORS  
ARE NOT LIABLE”**

To the Honorable United States District Court Judge Laura Taylor Swain:

COME NOW, 2) José A. Álvarez Galarza, 4) José Ángel Betancourt Castellano, 20) Juan Manuel Cruz Morales, 27) Domingo Fantauzzi Ramos, 31) Leonardo García Pacheco, 33) Luis A. García Serrano, 43) Nelson López Laboy, 47) Benjamín Morales Pagán, 51) Henry Orta Vázquez, 52) Arnaldo L. Ortiz Mateo, 54) Jaime Luis Osorio Cepeda, 62) Francisco Reyes Colón, 70) Roberto Rodríguez-Rodríguez, 72) Pedro Ruiz Delgado, 76) Carmelo Santiago Otero, 77) Antonio

Santiago Vargas, and 88) Rainiero Vázquez Fontán<sup>1</sup> (hereinafter, “Claimants”), through the undersigned counsel, and very respectfully set forth and pray:

The Commonwealth of Puerto Rico (the “Commonwealth”) and the Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS,” and, together with the Commonwealth, the “Debtors”), by and through the Financial Oversight and Management Board for Puerto Rico (the “Oversight Board”), as the sole Title III representative of the Debtors pursuant to Section 315(b) of the Puerto Rico Oversight, Management, and Economic Stability Act (“PROMESA”), filed the five hundred ninety-second omnibus objection (the “592 Omnibus Objection”) (Doc#:24760) to certain claims of the appearing Claimants that seek recovery for amounts for which the Commonwealth is legally liable. In support of this Opposition to the 592 Omnibus Objection, the appearing Claimants respectfully represent as follows:

#### **BASIS FOR THE OPPOSITION TO OBJECTIONS TO PROOFS OF CLAIMS**

The Five Hundred Ninety-Second Omnibus Objection seeks to disallow claims to assert liability on the basis of litigation where the Claimants, as the **Debtors incorrectly represent**, were not named plaintiffs before the Commonwealth courts.

Contrary to Debtors’ assertion, all the Claimants are named party-plaintiffs in the consolidated case of **LESLIE OCASIO FIGUEROA, ET. AL., v. DEPARTAMENTO DE AGRICULTURA, ET. AL., NSCI 2001-00036, NSCI 2002-00935, NDP 2000-0046, NDP 2000-0070**. This case is now on appeal before the Appellate Commission of the Human Resources Administration System (“Comisión Apelativa del Sistema de Administración de Recursos Humanos”) (CASARH, by its Spanish acronym). CASARH, as a quasi-judicial administrative

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<sup>1</sup> The numbers of the appearing seventeen Claimants correspond to the number of their respective claims as they appear in Exhibit A (Claims to be Disallowed) of the 592 Omnibus Objection.

forum, has exclusive primary jurisdiction to deal with employer-labor matters such as the unjust or illegal dismissal from employment from the Department of Agriculture of the Commonwealth of Puerto Rico as timely objected to by the Claimants, Appellants before CASARH. Copy of the first page of the Appeal before CASARH, stamped as RECEIVED on November 14, 2022, both by CASARH and the Department of Agriculture – the Appellee – is attached hereto as Exhibit 1. The First page lists, among others, the names of all seventeen Claimants Debtors incorrectly represent are not Plaintiffs in Litigation against the Commonwealth of Puerto Rico. Said Appeal, assigned Appeal No. 2022-11-0490, is still pending resolution before CASARH. Thus, it is **incorrect** to state that the Claimants are not Plaintiffs against the Commonwealth.

Debtors confusingly and mistakenly represent in their Exhibit A and Exhibit B (DECLARATION OF JAY HERRIMAN IN SUPPORT OF THE FIVE HUNDRED NINETY-SECOND OMNIBUS OBJECTION (SUBSTANTIVE) OF THE COMMONWEALTH OF PUERTO RICO AND THE EMPLOYEES RETIREMENT SYSTEM OF THE GOVERNMENT OF THE COMMONWEALTH OF PUERTO RICO TO CLAIMS FOR WHICH THE DEBTORS ARE NOT LIABLE) that the Claimants' respective "(p)roof of claim purports to assert liability on the basis of case number NSCI-2001-00036, but the claimant does not appear as a named plaintiff in the partial judgment,"<sup>2</sup> or that their "(p)roof of claim purports to assert liability on the basis of case number NSCI-2001-00036, but the claimant does not appear as a named plaintiff in that litigation". **This is not true, as all of the Claimants were named Plaintiffs in the consolidated litigation, NSCI-2001-00036, and all of the claimants are Appellants before CASARH.** See

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<sup>2</sup> Perhaps what Debtors meant to say is that the Claimants were not "prevailing Plaintiffs" in a Judgement entered in the consolidated case NSCI-2001-00036. Nevertheless, Claimants are appealing said Judgement before CASARH and said Appeal is pending resolution. If Appellants prevail on appeal and it is determined that their dismissal from employment with the Department of Agriculture was unjust or illegal, Claimants will have the right to collect monetary awards from the Commonwealth.

Exhibit 1 and Exhibit 2, the latter being an English Translation of Exhibit 1. Since there is no other objection to the Proof of Claims individually filed by the appearing Claimants, Debtors' 592 Omnibus Objection (Substantive) must be denied as it applies to the appearing seventeen Claimants.

**WHEREFORE**, the appearing Claimants respectfully request (1) entry of an order denying the relief requested by Debtors against the Claimants and (2) granting Claimants such other and further relief as is just.

Dated: August 14, 2023, San Juan, Puerto Rico.

Respectfully submitted,

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Guaynabo, P.R. 00966  
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*Humberto Guzmán, Esq.*  
HUMBERTO GUZMÁN RODRÍGUEZ  
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CLAIMANTS' COUNSEL  
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Exhibit #1

*Guillermo*

ESTADO LIBRE ASOCIADO DE PUERTO RICO  
COMISIÓN APELATIVA DEL SISTEMA DE ADMINISTRACIÓN DE  
RECURSOS HUMANOS

Carmelo Santiago Otero, Luis  
A. García Serrano, José A.  
Álvarez Galarza, Jaime Luis  
Osorio Cepeda, Henry Orta  
Vázquez, Leonardo García  
Pacheco, Rainiero Vázquez  
Fontán, Benjamin Morales  
Pagán, Juan M. Cruz Morales,  
Domingo Fantauzzi Ramos,  
Antonio Santiago Vargas,  
Francisco Reyes Colón, José  
Ángel Betancourt, Nelson  
López, Arnaldo Ortiz Mateo,  
Roberto Rodríguez-Rodríguez,  
Pedro Ruiz Delgado, Arturo  
López Colón, Edgardo Mulero  
Esquilín, David Díaz-Díaz,  
Rubén Barbosa González, Elisa  
Cepeda Gautier, Benjamín Díaz  
Román, Juan De Dios  
Hernández Medina, Agustín  
González Navarro, Heriberto  
Peña Pagán, Benito Rosario  
Díaz, Eli Samuel Rodríguez  
León, José Maisonet Rivera,  
William Torres Guadalupe,  
Vicente Algarín, Carmen Elia  
Cintrón

***APELANTES***

v.

DEPARTAMENTO DE  
AGRICULTURA DEL  
ESTADO LIBRE ASOCIADO  
DE PUERTO RICO,

***APELADO***

APELACIÓN ANTE LA  
COMISIÓN APELATIVA  
DEL SISTEMA DE  
ADMINISTRACIÓN DE  
RECURSOS HUMANOS

Número de Asunto: \_\_\_\_\_

CA 5174 NY 22 MA 1036

**APELACIÓN**

A LA HONORABLE COMISIÓN APELATIVA DEL SISTEMA DE  
ADMINISTRACIÓN DE RECURSOS HUMANOS:

Exhibit #2

**TRANSLATION TO EXHIBIT 1**

**[RECEIVED NOV. 14, 2022]  
ILEGIBLE SIGNATURE**

**COMMONWEALTH OF PUERTO RICO  
APPELLATE COMMISION OF THE HUMAN RESOURCES  
ADMINISTRATION SYSTEM**

Carmelo Santiago Otero, Luis  
A. García Serrano, José A.  
Álvarez Galarza, Jaime Luis  
Osorio Cepeda, Henry Orta  
Vázquez, Leonardo García  
Pacheco, Rainiero Vázquez  
Fontán, Benjamín Morales  
Pagán, Juan M. Cruz Morales,  
Domingo Fantauzzi Ramos,  
Antonio Santiago Vargas,  
Francisco Reyes Colón, José  
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Hernández Medina, Agustín  
González Navarro, Heriberto  
Peña Pagán, Benito Rosario  
Díaz, Eli Samuel Rodríguez  
León, José Maisonet Rivera ,  
William Torres Guadalupe,

**APPEAL BEFORE THE  
APPELLATE  
COMMISION OF THE  
HUMAN RESOURCES  
ADMINISTRATION  
SYSTEM**

**CASE NUMBER: \_\_\_\_\_**

**[CASP Nov. 14, 2022 10:36  
a.m.]**

**Vicente Algarín, Carmen Elia  
Cintrón**

***APPELLANTS***

**v.**

**DEPARTMENT OF  
AGRICULTURE,  
COMMONWEALTH OF  
PUERTO RICO,**

***APPELLEE***

**APPEAL**

**TO: APPELLATE COMMISION OF THE HUMAN RESOURCES  
ADMINISTRATION SYSTEM**